



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: The Clean Air Fuels Corporation

File: B-270535

Date: November 29, 1995

### DECISION

The Clean Air Fuels Corporation protests the award of a contract to Bachman NGV, Inc. by the Department of the Air Force under invitation for bids No. F04626-95-B-0008. Clean Air contends that Bachman's bid was non-responsive.

We dismiss the protest as untimely because it was filed more than 14 calendar days after the protester initially received actual or constructive notice of adverse action on its agency-level protest.

Our Bid Protest Regulations contain strict rules requiring timely submission of protests. Where a protest initially has been filed with a contracting activity, any subsequent protest to our Office, to be considered timely, must be filed within 14 calendar days of "actual or constructive knowledge of initial adverse agency action." Section 21.2(a)(3), 60 Fed. Reg. 40,737, 40,740 (Aug. 10, 1995) (to be codified at 4 C.F.R. § 21.2(a)(3)). The term "adverse agency action" is defined in our Regulations as any action or inaction on the part of a contracting agency which is prejudicial to the position taken in a protest filed with the agency. Section 21.0(f), 60 Fed. Reg. *supra* (to be codified at 4 C.F.R. § 21.0(f)); Consolidated Indus. Skills Corp., B-231669.2, July 15, 1988, 88-2 CPD ¶ 58.

Clean Air filed an agency-level protest on September 18, 1995. The agency denied Clean Air's protest by letter dated October 3. Although Clean Air then replied to the agency's denial by letter dated October 6, it did not file its protest in our Office until November 15, well more than 14 days after the denial of its agency-level protest. The protest here is therefore untimely and will not be considered. See Beckman Instruments, Inc.-Recon., B-239293.2, June 22, 1990, 90-1 CPD ¶ 585; Blakeslee Arpaia Chapman, Inc. & Charles Stokes d/b/a C. Stokes Constr. Co., B-206394, March 8, 1982, 82-1 CPD ¶ 213, *aff'd*, B-206394.2, Apr. 13, 1982, 82-1 CPD ¶ 342; Blakeslee Arapia Chapman, Inc., B-205963, May 11, 1982, 82-1 CPD ¶ 455.

The protest is dismissed.

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